

Senate Study Bill 1127 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON DAWSON)

A BILL FOR

1 An Act establishing a veterans recovery pilot program and fund
2 for the reimbursement of expenses related to providing
3 hyperbaric oxygen treatment to eligible veterans.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 35E.1 Definitions.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Commission*" means the commission of veterans affairs
5 established in section 35A.2.

6 2. "*Department*" means the Iowa department of veterans
7 affairs created in section 35A.4.

8 3. "*Health care practitioner*" means a practitioner as
9 defined in section 155A.3.

10 4. "*Hyperbaric oxygen treatment*" means treatment, including
11 diagnostic testing and other related medical treatments, for
12 traumatic brain injury or post-traumatic stress disorder
13 prescribed by a health care practitioner that utilizes, as part
14 of the treatment, any of the following:

15 a. A hyperbaric chamber approved by the United States food
16 and drug administration.

17 b. A hyperbaric oxygen device that is approved by the United
18 States food and drug administration for investigational use
19 under the direction of an institutional review board with a
20 national clinical trial number.

21 5. "*Pilot program*" means the veterans recovery pilot program
22 established under this chapter.

23 6. "*Traumatic brain injury*" means an acquired injury to the
24 brain. "*Traumatic brain injury*" does not mean brain dysfunction
25 caused by congenital or degenerative disorders or birth trauma.

26 7. "*Treatment facility*" means a hospital as defined in
27 section 135B.1, an organized outpatient health facility as
28 defined in section 135.61, or any other facility that is
29 authorized by the department to provide hyperbaric oxygen
30 treatment under this chapter.

31 8. "*Veteran*" means a veteran as defined in section 35.1, a
32 member of the national guard or reserve forces of the United
33 States, and a former member of the national guard or reserve
34 forces of the United States who was discharged under honorable
35 conditions.

1 9. "*Veterans recovery fund*" means the veterans recovery fund
2 created in section 35E.3.

3 Sec. 2. NEW SECTION. **35E.2 Veterans recovery pilot program**
4 **— establishment — reports — rules.**

5 1. The department shall establish a veterans recovery pilot
6 program, subject to sufficient funds in the veterans recovery
7 fund to operate the pilot program, to provide hyperbaric oxygen
8 treatment and support services to eligible veterans who have
9 been diagnosed with a post-traumatic stress disorder or a
10 traumatic brain injury pursuant to the requirements of this
11 chapter.

12 2. The department shall adopt rules to implement and
13 administer this chapter.

14 3. By October 1 of each even-numbered year, the department
15 shall submit a biennial report regarding the pilot program
16 that includes an evaluation of the effectiveness of the pilot
17 program and the number of veterans and treatment facilities
18 participating in the pilot program.

19 Sec. 3. NEW SECTION. **35E.3 Veterans recovery fund.**

20 1. A veterans recovery fund is created in the state treasury
21 under the control of the department.

22 2. The fund shall consist of moneys received in the form
23 of a devise, gift, bequest, donation, federal or other grant,
24 reimbursement of payments made by any responsible third-party
25 payor, repayment, judgment, transfer, or payment intended to be
26 used for the purposes of the fund. The general assembly shall
27 make no appropriation to the fund from public moneys of the
28 state.

29 3. Moneys in the fund are appropriated to the department
30 and may be expended by the department for any of the following
31 purposes:

32 a. Expenses incurred by the department in administering the
33 pilot program.

34 b. Expenses authorized pursuant to a treatment plan approved
35 pursuant to section 35E.4 for hyperbaric oxygen treatment of a

1 veteran under the pilot program.

2 *c.* Expenses authorized pursuant to a treatment plan approved
3 pursuant to section 35E.4 for any necessary travel and living
4 expenses of a veteran required to travel to obtain hyperbaric
5 oxygen treatment under the pilot program.

6 4. Any unencumbered or unobligated moneys remaining in the
7 fund as of June 30, 2025, shall be transferred for deposit in
8 the veterans trust fund created in section 35A.13.

9 Sec. 4. NEW SECTION. 35E.4 Hyperbaric oxygen treatment —
10 treatment plan.

11 1. A treatment facility seeking reimbursement for providing
12 hyperbaric oxygen treatment to a veteran under the pilot
13 program shall, prior to providing such treatment, submit a
14 proposed treatment plan to the department in a manner as
15 prescribed by the department.

16 2. The proposed treatment plan shall include the following
17 information:

18 *a.* A prescription order for hyperbaric oxygen treatment
19 issued by a health care practitioner.

20 *b.* Information verifying the eligibility of the veteran to
21 receive treatment and that the treatment facility is authorized
22 to provide hyperbaric oxygen treatment.

23 *c.* An estimate of the costs for providing hyperbaric oxygen
24 treatment by the treatment facility.

25 *d.* An estimate of cost for reimbursing any necessary travel
26 and living expenses of the veteran required to travel to obtain
27 the hyperbaric oxygen treatment.

28 *e.* Any other information required by the department.

29 3. Upon receipt of a proposed treatment plan, the department
30 and the commission shall approve or disapprove the treatment
31 plan within a reasonable time as established by rule. The
32 department shall not approve the treatment plan if there
33 is not sufficient money in the veterans recovery fund to
34 reimburse the estimate of costs and expenses provided in the
35 proposed treatment plan. The department shall notify the

1 treatment facility whether the treatment plan was approved or
2 disapproved.

3 4. A treatment facility may, following approval of a
4 proposed treatment plan, submit a modified treatment plan if
5 actual expenses are anticipated to exceed the estimated costs
6 approved in the initial treatment plan. The department and the
7 commission shall approve or disapprove the modified treatment
8 plan, subject to sufficient moneys in the veterans recovery
9 fund for the increased expenses, and shall notify the treatment
10 facility within a reasonable time as established by rule
11 whether the modified treatment plan was approved or disapproved
12 within a reasonable time as established by rule.

13 Sec. 5. NEW SECTION. 35E.5 Provision of treatment —
14 reimbursement of expenses.

15 1. A treatment facility shall receive reimbursement of
16 expenses incurred in providing hyperbaric oxygen treatment
17 under the pilot program to a veteran if the department and the
18 commission have approved a treatment plan under section 35E.4
19 for the veteran.

20 2. A treatment facility that elects to provide hyperbaric
21 oxygen treatment to a veteran under the pilot program shall
22 provide the treatment without charge to the veteran. A veteran
23 receiving treatment under the pilot program is not liable for
24 the cost of treatment or expenses incurred under the pilot
25 program.

26 3. A treatment facility that elects to provide treatment
27 under the pilot program shall submit to the department regular
28 reports, in the form prescribed by the department, of the
29 veteran's measured health improvements under the treatment
30 plan and whether treatments are continuing or have concluded.
31 If hyperbaric oxygen treatment has concluded, the treatment
32 facility shall indicate the date the treatment concluded.

33 4. A treatment facility providing hyperbaric oxygen
34 treatment under the pilot program may submit a request for
35 reimbursement of expenses incurred by the treatment facility to

1 the department. The department shall approve the request and
2 reimburse the expenses from the veterans recovery fund if all
3 of the following criteria are met:

4 *a.* The hyperbaric oxygen treatment was provided according to
5 the approved treatment plan or modified treatment plan.

6 *b.* The expenses do not exceed the estimated cost of the
7 hyperbaric oxygen treatment as provided in the approved
8 treatment plan or modified treatment plan.

9 *c.* The treatment facility demonstrates in the reports
10 submitted to the department as required by subsection 3 that
11 the veteran is making measured health improvements or that
12 continuing treatment is recommended.

13 5. The department shall reimburse a veteran from moneys in
14 the veterans recovery fund for any travel and living expenses
15 incurred by the veteran receiving hyperbaric oxygen treatment
16 under the pilot program if the amount requested does not exceed
17 the estimated cost of travel and living expenses as provided in
18 the approved treatment plan or modified treatment plan.

19 6. After six months from the date specified in the reports
20 submitted to the department from a treatment facility that
21 treatment has concluded, the department shall notify the
22 treatment facility and veteran in writing of the expenses
23 that have been reimbursed and whether the amounts reimbursed
24 are less than the costs authorized to be reimbursed pursuant
25 to an approved treatment plan or modified treatment plan.
26 The written notification shall further notify the treatment
27 facility and the veteran that any requests for reimbursement
28 shall not be authorized if a request for reimbursement is not
29 submitted within ninety days after receiving the notice unless,
30 prior to the ninety days, the treatment facility indicates that
31 treatment has not been completed.

32 Sec. 6. NEW SECTION. 35E.6 Repeal.

33 This chapter is repealed July 1, 2025.

34 Sec. 7. DIRECTIVE TO DEPARTMENT OF VETERANS AFFAIRS. The
35 department of veterans affairs shall submit a notice of

1 intended action to the administrative rules coordinator and
2 the administrative code editor pursuant to section 17A.4,
3 subsection 1, paragraph "a", not later than January 1, 2020,
4 for the adoption of rules to implement and administer chapter
5 35E as enacted in this Act.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill establishes a veterans recovery pilot program,
10 administered by the department of veterans affairs for the
11 reimbursement of expenses related to providing hyperbaric
12 oxygen treatment to eligible veterans.

13 New Code section 35E.1 establishes definitions applicable
14 to the new Code chapter. The bill includes definitions for
15 commission, department, health care practitioner, hyperbaric
16 oxygen treatment, traumatic brain injury, treatment facility,
17 and veteran. Specifically, the bill defines hyperbaric oxygen
18 treatment as treatment, including diagnostic testing and other
19 related medical treatments, for traumatic brain injury or
20 post-traumatic stress disorder prescribed by a health care
21 practitioner that utilizes a United States food and drug
22 administration-approved hyperbaric chamber or hyperbaric oxygen
23 device.

24 New Code section 35E.2 establishes the veterans recovery
25 pilot program, subject to sufficient funds to operate the
26 program, requires the department of veterans affairs to adopt
27 rules to implement and administer the program, and includes
28 a reporting requirement for each department concerning the
29 operation of the pilot program.

30 New Code section 35E.3 creates a veterans recovery fund
31 in the state treasury under the control of the department of
32 veterans affairs. The new Code section provides that the fund
33 shall consist of moneys contributed through or received from
34 any devise, gift, bequest, donation, federal or other grant,
35 reimbursement of payments made by any responsible third-party

1 payor, repayment, judgment, transfer, or payment intended to be
2 used for the purposes of the fund. The department of veterans
3 affairs is to expend moneys in the fund, as appropriated by the
4 department, for expenses incurred in operating the program and
5 for expenses authorized to be reimbursed for hyperbaric oxygen
6 treatment and any related travel and living expenses incurred
7 by the veteran. The new Code section provides that any moneys
8 remaining in the fund as of June 30, 2025, shall be transferred
9 for deposit in the veterans trust fund.

10 New Code section 35E.4 provides for the process for a
11 treating facility to seek reimbursement from the veterans
12 recovery fund for providing hyperbaric oxygen treatment. The
13 bill provides that a treating facility may submit a proposed
14 treatment plan to the department of veterans affairs and
15 the commission of veterans affairs for their approval. The
16 treatment plan shall include the prescription order for the
17 treatment, information verifying the eligibility of the veteran
18 and the treatment facility to provide the treatment, the
19 estimated costs for providing the treatment and for reimbursing
20 the veteran for any associated travel and living expenses, and
21 any other information required by the department of veterans
22 affairs. The new Code section provides that the treatment
23 plan shall not be approved if sufficient moneys to reimburse
24 the estimated costs are not available in the veterans recovery
25 fund. The new Code section also establishes a process for
26 submitting a modified treatment plan if the estimated costs
27 for providing the treatment are anticipated to exceed the cost
28 estimate in the initial treatment plan.

29 New Code section 35E.5 provides for requirements relative
30 to providing hyperbaric oxygen treatment and provides for
31 the manner in which treatment-related expenses are to be
32 reimbursed. The Code section provides that a treatment
33 facility shall not be reimbursed for providing treatment
34 unless a treatment plan has been approved. If a treatment
35 facility elects to provide hyperbaric oxygen treatment under

1 the pilot program, the facility shall provide the treatment
2 without charge to a veteran and shall submit regular reports
3 to the department of veterans affairs concerning the efficacy
4 of the treatment and on whether the treatments have been
5 concluded. The new Code section also provides for a process
6 for a treatment facility and a veteran to receive reimbursement
7 for expenses incurred. The new Code sections require the
8 department of veterans affairs to provide written notification
9 to the treatment facility and veteran after treatment has
10 concluded, which notice shall indicate when any additional
11 requests for reimbursement may be made.

12 Code section 35E.6 provides that the new Code chapter is
13 repealed July 1, 2025.

14 The bill further directs the department of veterans affairs
15 to submit a notice of intended action to the administrative
16 rules coordinator and the administrative code editor not later
17 than January 1, 2020, for the adoption of rules necessary to
18 implement and administer the new Code chapter.